

(Additional counsel on following page)

JESSICA R. PERRY (SBN 209321)
jperry@orrick.com

MELINDA S. RIECHERT (SBN 65504)
mrieichert@orrick.com

ORRICK, HERRINGTON & SUTCLIFFE LLP
1000 Marsh Road
Menlo Park, CA 94025-1015
Telephone: +1 650 614 7400
Facsimile: +1 650 614 7401

KATHRYN G. MANTOAN (SBN 239649)
kmantoan@orrick.com
ORRICK, HERRINGTON & SUTCLIFFE LLP
The Orrick Building
405 Howard Street
San Francisco, CA 94105-2669
Telephone: +1 415 773 5700
Facsimile: +1 415 773 5759

Attorneys for Defendant
Apple Inc.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

ASHLEY GJOVIK,

Plaintiff,

v.

APPLE INC.,

Defendant.

Case No. 23-cv-4597-EMC

**DECLARATION OF JESSICA R.
PERRY IN SUPPORT OF DEFENDANT
APPLE INC.'S OPPOSITION TO
MOTION TO DISQUALIFY**

Dept: Courtroom 5, 17th Floor
Judge: Honorable Edward M. Chen
Date: March 13, 2025
Time: 1:30 p.m.

1 KATE E. JUVINALL (SBN 315659)
2 kjuvinall@orrick.com
3 ORRICK, HERRINGTON & SUTCLIFFE LLP
4 631 Wilshire Blvd., Suite 2-C
5 Santa Monica, CA 90401
6 Telephone: +1 310 633 2800
7 Facsimile: +1 310 633 2849

8 RYAN D. BOOMS (SBN 329430)
9 rbooms@orrick.com
10 ORRICK, HERRINGTON & SUTCLIFFE LLP
11 2100 Pennsylvania Avenue NW
12 Washington, D.C. 20037
13 Telephone: +1 202 339 8400
14 Facsimile: +1 202 339 8500

15 Attorneys for Defendant
16 Apple Inc.

1 I, Jessica R. Perry, declare as follows:

2 1. I am an attorney admitted to practice law in the state of California and am a partner
3 at the firm Orrick, Herrington & Sutcliffe LLP. I am counsel for defendant Apple Inc. in this action.
4 I submit this declaration in support of Apple's Opposition to Plaintiff's Motion to Disqualify. I
5 have personal knowledge as to the facts set forth in this declaration. If called as a witness, I could
6 and would testify competently thereto.

7 2. I did not engage in any of the misconduct alleged by Plaintiff in her Motion, and to
8 the best of my knowledge, no Orrick attorney engaged in any such misconduct.

9 3. I have not been involved, directly or indirectly, in any harassment, intimidation, or
10 retaliation against Plaintiff, and to the best of my knowledge, no Orrick attorney has been involved
11 in such conduct.

12 4. I was not involved, directly or indirectly, in seeking the restraining order issued
13 against Plaintiff by Judge Lisa N. Toole in *Scarlett v. Gjovik*, King County District Court, State of
14 Washington, Case No. 22CIV01704KCX. To the best of my knowledge, no Orrick attorney was
15 involved, directly or indirectly, in seeking that restraining order.

16 5. Apple has produced 553 pages of documents in response to Plaintiff's October 30,
17 2024 requests for production, and a total of 2,102 pages of documents in this case (including as part
18 of its General Order 71 disclosures).

19 6. Plaintiff has not met and conferred with Orrick via video conference regarding any
20 of the discovery disputes that are the subject of the four letters she filed before Judge Westmore on
21 February 11, 2025.

22 7. Plaintiff has not served any objections or responses to Apple's December 3, 2024
23 requests for production and interrogatories, nor has Plaintiff provided any documents or
24 information in response to those discovery requests.

25 ///

26 ///

27 ///

28 ///

1 8. On November 17, 2022, my colleague, Kathryn Mantoan, emailed the Occupational
2 Safety and Health Administration (“OSHA”) to inform OSHA that Plaintiff publicly posted a
3 version of her complaint in *Gjovik v. Apple Inc.*, OSHA Case No. 9-3290-22-051, which contained
4 Apple confidential information. A true and correct copy of that email is attached hereto as **Exhibit**
5 **A**.

6 9. I have never communicated with Cher Scarlett. To the best of my knowledge, no
7 Orrick attorney has communicated with Ms. Scarlett.

8 10. The unredacted version of Dkt. No. 155-2 at 31-45 does not contain any nude
9 photographs of Plaintiff.

10 11. On September 30, 2022, my colleague, Kathryn Mantoan, emailed OSHA a
11 partially-redacted version of Dkt. No. 155-2 at 31-45 in connection with *Gjovik v. Apple Inc.*,
12 OSHA Case No. 9-3290-22-051, in response to a request from OSHA for “[d]ocumentation to
13 support Ms. Gjovik intentionally disclosed confidential information about Apple products on
14 Twitter and to the press” (*see* Dkt. No. 155-2 at 25). The document was partially redacted to protect
15 Apple’s confidential information.

16 12. Apple has not yet produced an unredacted version of Dkt. No. 155-2 at 31-45 in this
17 case because it contains confidential information and Plaintiff has refused to agree to any protective
18 order.

19 13. On December 18, 2023, my colleague, Kate Juvinall, emailed Plaintiff and provided
20 “a proposed protective order based on the form Northern District order” and invited Plaintiff to
21 provide “any comments or proposed revisions.” A true and correct copy of that email is attached
22 hereto as **Exhibit B**, and a true and correct copy of the “proposed protective order” attached to that
23 email is attached hereto as **Exhibit C**. In response, Plaintiff filed a charge with the National Labor
24 Relations Board against Apple alleging that Apple violated Section 8(a)(1) of the National Labor
25 Relations Act by proposing that Plaintiff enter into a purportedly overbroad protective order.

26 14. On December 11, 2024, Plaintiff emailed me and other Orrick attorneys and
27 expressed a willingness to agree to “very targeted protective orders for matters that are actually
28 trade secret or otherwise confidential.” On December 20, 2024, my colleague, Melinda Riechert,

1 emailed Plaintiff and stated, “Apple is willing to enter into the NDCA model protective order. You
2 had previously refused to do so. If you have changed your position, please let us know.” A true and
3 correct copy of that email exchange is attached hereto as **Exhibit D**.

4 15. To date, Plaintiff has refused to agree to any protective order, nor has she provided
5 her own version of a proposed protective order or any specific alternative language to which she
6 would agree.

7 I certify under penalty of perjury and pursuant to the laws of the United States that the
8 foregoing is true and correct.

9 Executed February 14, 2025 in Menlo Park, California.

10
11
12 /s/ Jessica R. Perry
13 Jessica R. Perry
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28